

## **REGISTER OF CLASSIFICATION DECISIONS**

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### Classification Decision:

Objectionable.

### Display Conditions:

Not Applicable.

### Descriptive Note:

Not Applicable.

Direction to issue a label has been given on: **Not Applicable**

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## **SUMMARY OF THE REASONS FOR DECISION:**

The computer image file *chico03.jpg* is classified as:  
Objectionable.

Having considered the criteria in s3(3) and s3(4) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act), the Classification Office is of the opinion that the availability of this computer image file is likely to be injurious to the public good because of the extent and degree to which, and the manner in which, the publication exploits the nudity of young persons.

The computer image file presents a colour photograph of a boy aged around 12 years. He is standing side on to the camera in front of dark foliage. He is pulling down his blue sport shorts to reveal his buttocks. His erect penis is also just visible (albeit slightly blurred) in the bottom left corner of the photograph. Given the photograph's contrived manner and lack of any context, its most likely use is that of gratifying adults who have a sexual interest in children, and young males in particular.

The New Zealand Bill of Rights Act 1990 (NZBR Act) has been balanced against considerations under the criteria of the FVPC Act. Section 14 of the NZBR Act applies to this computer image file. An objectionable classification in this instance is a significant limitation on the rights of New Zealanders to access material, and subsequently the right to freedom of expression, and to seek and receive information and opinions of any kind in any form. Whilst the Classification Office recognises these rights, significant weighting has been given to the injury to the public resulting from the availability of images of this nature. The Classification Office is confident that such a limitation on freedom of expression is both reasonable and justified as outlined in s5 of the NZBR Act.

OFLC Ref: 9901773